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FINNEGAN HENDERSON FARABOW
GARRETT AND DUNNER
1300 I STREET N W
WASHINGTON DC 20005-3315

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EXAMINER

PARISI, J

ART UNIT

PAPER NUMBER

2166

11

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/275,887

Applicant(s)

OFFUTT ET AL.

Examiner

Joe Parisi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-19, 21-30, & 32-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-19 and 21-30, & 32-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☒ The proposed drawing correction filed on 17 April 2001 is: a) ☒ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. Claims 9, 20, and 31 were canceled in Applicant's Amendment filed on April 17, 2001 and listed as paper number 10 in the application file wrapper.
2. Claims 1, 4, 5, 10-12, 15, 16, 21-23, 26-30, 32-36 were amended in Applicant's Amendment filed on April 17, 2001 and listed as paper number 10 in the application file wrapper.
3. New claims 37-43 were added in Applicant's Amendment filed on April 17, 2001 and listed as paper number 10 in the application file wrapper.
4. The claims currently pending before this office are numbers 1-8, 10-19, 21-30, and 32-36 as amended in Applicant's Amendment filed on April 17, 2001 and listed as paper number 10 in the application file wrapper. Claims 1-8, 10-19, 21-30, 32-43 are reviewed in this Office Action.

Drawings

5. The drawings were previously objected to because of the following informalities listed below:
 - a. In Figure 3, there was a typographical error with regard to the labeling of the reference character denoting the text supplied by Server C. The reference character at the top of Figure 3 in the drawing is labeled as 336, while the text as it appears as part of the

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client server system is labeled as 335 while in the specification, it is also referred to by reference character 335.

6. The drawings were previously objected to as failing to comply with 37 CFR 1.84(p)(5) because they included the following reference sign(s) not mentioned in the description:

a. With regard to Figure 6, item numbers 605 was not mentioned in the specification.

7. The examiner notes that Applicant submitted amended drawings with regard to Figures 3 and 6. The request for drawing change was noted as paper number 9 on the application file wrapper. The amended drawings correct the deficiencies mentioned above, however formal drawings with these changes are required. As noted previously, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

Specification—Disclosure

8. The disclosure was previously objected to because of the following informalities:

a. On Page 10, line 4, and also on line 9, there was a typographical error. "... through an 1/0 [sic]" was incorrect.

b. On page 11, line 18, there was a typographical error. An extraneous space was inserted in, "... server A 3 10 contains...."

c. On page 13, line 17, there was a typographical error. An extraneous space was inserted in, "Buyer interface 5 10"

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- d. On page 14, line 18, there was a typographical error. An extraneous space was inserted in, "Savings response 10 1"
- e. On page 16, line 12, there was a typographical error. An extraneous space was inserted in, "... savings response 1 01"
- f. Other similar typographical and spacing errors were evident in the specification.
- g. In the table included on page 17 of the specification, dollar amounts listed should conform to accepted standards of format. Specifically, zero or two decimal places should be used to denote the amounts as listed.
- h. On Page 18, line 9, there was a typographical error. "... within 1 or 2" was incorrect.

Applicant appropriately corrected the specification on the above-noted pages.

Accordingly, the previous objections are hereby withdrawn.

Response to Arguments

9. Applicant's arguments with respect to claims 1, 4, 5, 10-12, 15, 16, 21-23, 26-30, 32, 35, and 36 have been considered but are moot in view of the new ground(s) of rejection. Applicant amended claims 1, 4, 5, 10-12, 15, 16, 21-23, 26-30, 32-36 in Applicant's Amendment filed on April 17, 2001 and listed as paper number 10 in the application file wrapper. The examiner conducted a new search for prior art with respect to the newly added limitations only. The new grounds of rejection for claims 1-8, 10-19, 21-30, 32-43 follow below.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1, 2, 12, 13, 23, 24, 35, 36, and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Ahlstrom et al. in U.S. Patent Number 4,862,357 (hereafter referred to as “Ahlstrom”).

With regard to claims 1 and 43, Ahlstrom teaches the use of a computer reservation system with means to rank travel itineraries by sorting and scoring the data with regard to a predetermined travel policy (see column 1, lines 35-39). The user inputs a starting location and a destination (see column 2, line 25). The local computer then connects to the remote computer system that accesses flight scheduling information, fare information, and limitation information stored in a remote computer system database that ranks, sorts, and displays the itinerary information on the local computer (see column 2, lines 28-36). Once the itinerary information is sorted and displayed in accordance with the travel policy information the sorted information (i.e., the report) is displayed for the user and can then be printed (see column 2, lines 32-38).

Alternative itineraries are evaluated during the data processing where intermediate travel stops and alternative city pairings are evaluated to determine the optimum itinerary (see column 2, line 66 to column 3, line 15).

Applicant argues that Applicant's claimed invention is distinguishable from Ahlstrom because Ahlstrom teaches "...intermediate stops are selected by the operator of the reservation system" while Applicant's claimed invention "... identifies any intermediate locations in a route between the originating location and a destination included in the request while analyzing the travel itinerary. A user is not involved in determining the intermediate locations." However, Applicant's amended claim 1 recites the limitation that "...a set of alternative itineraries comparable to the travel itinerary specified in the request based on selected rules associated with travel, wherein the analyzing step includes identifying any intermediate locations in a route between the originating location and the destination...." See Applicant's Amendment Amendment, page 26, amended claim 1. While Applicant's Remarks highlight and expand on the specification, the examiner maintains that the Ahlstrom reference teaches the limitations of Applicant's claim 1. During examination, the pending claims are given the broadest reasonable interpretation in an effort to reduce the possibility that the claim, once issued, will be interpreted more broadly than is justified. See *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). While Applicant's arguments provide that "A user is not involved in determining the intermediate locations," the argument and specification does not limit the constructed claim language. To find that claim 1 provides limitations directed to a system where a user is not involved in determining the intermediate locations rather than the much broader "...analyzing step includes identifying any intermediate locations..." would be reading limitations of the specification or arguments into the claim. The system of Ahlstrom identifies intermediate locations in a route between the originating location and the destination, and the Ahlstrom patent teaches the limitations of Applicant's claim 1. Features of the invention

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disclosed but not claimed cannot be given patentable weight. Applicant's arguments were fully considered, but are not persuasive. As such, the rejection of claim 1 is maintained, and claim 43 is rejected .

Claims 12, 23, 35, and 36 are substantially similar and parallel the limitations found in amended claim 1 in computer readable medium and system (apparatus) formats and are rejected for similar reasons.

With regard to claim 2, Ahlstrom teaches a computer system where the reported result of the user query lists the optimum itinerary as well as alternative itineraries. The flight information retrieved from the database is analyzed in accordance with the travel policy stored within the computer system (see column 3, lines 35-37). A scored and sorted display of each of the alternative flight itineraries is presented (see column 10, lines 25-27). Ahlstrom teaches that the scored and sorted flight alternatives can be displayed for flight selection or auditing purposes (see column 10, lines 38-40). Ahlstrom further teaches that the value of the traveler's time is used to multiply the difference between the specified itinerary score and the scores of the alternative itineraries to arrive at a readjusted ranking (see column 10, line 67 through column 11, line 28). In this manner, Ahlstrom displays the difference between the value for the specified and alternative travel itineraries.

Applicant argues that Ahlstrom teaches a scoring for each city pair rather than "...alternative itineraries as recited in [Applicant's] claim 2. The examiner respectfully disagrees with this interpretation. Ahlstrom teaches that the flight/fare alternatives are displayed

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for the first city pair in sorted order at step 228, and on command, the flight/fare alternatives for the city pairs in the travel itinerary (see column 10, lines 28-47 and Figure 9). Further, Ahlstrom teaches the manner of scoring includes reference to elapsed flight times, airline preferences, and other factors (see column 10, lines 61-66). Applicant's arguments were fully considered, but are not persuasive. As such, the rejection of claim 2 is maintained.

Claims 13 and 24 are substantially similar and parallel the limitations found in claim 2 in computer readable medium and system (apparatus) formats and are rejected for similar reasons.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-8, 10, 14-19, 21, 25-30, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahlstrom et al. in U.S. Patent Number 4,862,357 (hereafter referred to as "Ahlstrom") as applied to claim 1 above, and further in view of DeLorme et al. in U.S. Patent Number 5,948,040 (hereafter referred to as "DeLorme").

Regarding claim 10, Ahlstrom teaches at the heart of his reservation system is the sorting and scoring of travel itineraries in accordance with a predetermined travel policy stored in the

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computer (see column 1, lines 34-38). Accordingly, predetermined travel packages that include travel between the originating location and the destination would be found using the sorting and scoring method of Ahlstrom. Ahlstrom teaches the use of a computer reservation system with means to rank travel itineraries by sorting and scoring the data with regard to a predetermined travel policy (see column 1, lines 35-39). The user inputs a starting location and a destination (see column 2, line 25). The local computer then connects to the remote computer system that accesses flight scheduling information, fare information, and limitation information stored in a remote computer system database that ranks, sorts, and displays the itinerary information on the local computer (see column 2, lines 28-36). Once the itinerary information is sorted and displayed in accordance with the travel policy information the sorted information (i.e., the report) is displayed for the user and can then be printed (see column 2, lines 32-38). Alternative itineraries are evaluated during the data processing where intermediate travel stops and alternative city pairings are evaluated to determine the optimum itinerary (see column 2, line 66 to column 3, line 15).

While Ahlstrom does not explicitly teach that travel packages are pre-configured packages based on prior negotiations with travel resource providers, DeLorme teaches that hotel chains, state tourism bureaus, and local chambers of commerce could publish travel package embodiments for planning trips, printing maps, discount offers, trip directions and other such information about a limited range of attractions, events or seasonal activities (see column 13, lines 48-67). One skilled in the art would be motivated to offer packaged discounts to appeal and market to recreational travelers that do not require a specific destination (such as to conduct business) but rather are planning a vacation and deciding upon a destination from a variety of

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locales. In this manner, potential travelers may select from a variety of venues based upon price and travel accommodations. Therefore, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to utilize the package discount feature of DeLorme in the system of Ahlstrom. As such, claim 10 is rejected.

Claims 21 and 32 are substantially similar and parallel the limitations found in claim 10 in computer readable medium and system (apparatus) formats and are rejected for similar reasons.

With regard to claims 3 and 5, Ahlstrom teaches the use of city pairs that are used to specify origin and destination points. Ahlstrom further teaches that multiple cities and airports may be considered when forming the alternative itineraries, based upon the travelers' preferences (see column 11, lines 29-43). Ahlstrom does not explicitly teach that users specify an acceptable range for alternative itineraries. However, DeLorme discloses the use of geographical ranges with coordinates with which to evaluate alternative travel routes and itineraries (see column 57, starting at line 1 and further in Figure 7A). The routes taught by DeLorme include different and various routes and accommodations in accordance with user preferences and sorting criteria.

One skilled in the art would be motivated to have users specify a range of locations with which to evaluate travel itineraries in an effort to reach an optimum itinerary with respect to price, time required, suitability of accommodations, and other concerns of a traveler. Therefore, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to

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incorporate the geographical range of locations taught by DeLorme in the system of Ahlstrom.

As such, claims 3 and 5 are rejected.

Claims 14 and 25 are substantially similar and parallel the limitations found in claim 3 in computer readable medium and system (apparatus) formats and are rejected for similar reasons.

Claims 16 and 27 are substantially similar and parallel the limitations found in claim 5 in computer readable medium and system (apparatus) formats and are rejected for similar reasons.

With regard to claim 4, DeLorme further teaches that the geographical relations are coupled with “topical relations” and are used to locate alternate lodging choices based upon user preferences and rules-based data sorting (see column 56, starting at line 15 and further in Figures 2, 4, and 7). Therefore, claim 4 is rejected.

Claims 15 and 26 are substantially similar and parallel the limitations found in claim 4 in computer readable medium and system (apparatus) formats and are rejected for similar reasons.

With regard to claim 6, both Ahlstrom (see column 3, lines 35-37 and column 10, lines 25-27) and DeLorme (see column 57, starting at line 1 and further in Figure 7A) teach that the sorting (i.e., analyzing) step generates a list of alternate locations from which to base the user’s travel itinerary. DeLorme further teaches that this list of alternate locations is generated by sorting the geographic relations by latitude and longitude (see Figure 7A). It would have been

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obvious to one skilled in the art, at the time the invention was made to use a database comprising geographical coordinates to be used as the sorting criteria for generation of proximate locations for alternative itineraries. As such, claim 6 is rejected.

Claims 17 and 28 are substantially similar and parallel the limitations found in claim 6 in computer readable medium and system (apparatus) formats and are rejected for similar reasons.

With regard to claim 7, Ahlstrom teaches that the reservation system may be programmed to stop looking for additional acceptable itineraries once a user-specified number of flights are found (see column 5, lines 40-55). DeLorme teaches that geographical coordinates are used to determine itinerary components for users of the travel reservation and planning system (see column 56, starting at line 15 and further in Figures 2, 4, and 7). One skilled in the art would be motivated to use geographical coordinates to limit the number of returned itinerary components to reduce the database search operations and to make the outputted report manageable and consequential. Therefore, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to use the geographical coordinates of DeLorme as constraints in the number of location sets generated in the system of Ahlstrom. Therefore, claim 7 is rejected.

Likewise with regard to claim 8, Ahlstrom teaches that the reservation system forces the user to modify their selection and/or their preference criteria if their selection of a departure point and arrival point do not generate at least one suitable city pair from which travel may

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originate and complete (see claims 2 and 25). DeLorme teaches that geographical coordinates are used to determine itinerary components for users of the travel reservation and planning system (see column 56, starting at line 15 and further in Figures 2, 4, and 7). One skilled in the art would be motivated to use geographical coordinates to increase the number of returned itinerary components to produce a search result that may be acceptable to the user. Even if the user's original constraints on travel are too narrow to produce a plausible itinerary on the first pass, a more relaxed constraint may produce an acceptable travel alternative. One skilled in the art would be further motivated to incorporate DeLorme's geographical coordinates as means with which to relax the search criteria to offer more travel options to users and thereby capture a larger percentage of planned travel that would otherwise be missed. Therefore, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to use the geographical coordinates of DeLorme as means of increasing the search range when the number of location sets generated in the system of Ahlstrom is deemed to be too small. Therefore, claim 8 is rejected.

Claims 18 and 29 are substantially similar and parallel the limitations found in claim 7 in computer readable medium and system (apparatus) formats and are rejected for similar reasons.

Claims 19 and 30 are substantially similar and parallel the limitations found in claim 8 in computer readable medium and system (apparatus) formats and are rejected for similar reasons.

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13. Claims 11, 22, 33, 34, 37-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahlstrom et al. in U.S. Patent Number 4,862,357 (hereafter referred to as "Ahlstrom") and DeLorme, and further in view of Walker et al. in U.S. Patent Number 5,897,620 (hereafter referred to as "Walker").

Regarding claims 11, 37, and 38, Ahlstrom teaches at the heart of his reservation system is the sorting and scoring of travel itineraries in accordance with a predetermined travel policy stored in the computer (see column 1, lines 34-38). Accordingly, predetermined travel packages that include travel between the originating location and the destination would be found using the sorting and scoring method of Ahlstrom. Ahlstrom teaches the use of a computer reservation system with means to rank travel itineraries by sorting and scoring the data with regard to a predetermined travel policy (see column 1, lines 35-39). The user inputs a starting location and a destination (see column 2, line 25). The local computer then connects to the remote computer system that accesses flight scheduling information, fare information, and limitation information stored in a remote computer system database that ranks, sorts, and displays the itinerary information on the local computer (see column 2, lines 28-36). Once the itinerary information is sorted and displayed in accordance with the travel policy information the sorted information (i.e., the report) is displayed for the user and can then be printed (see column 2, lines 32-38).

Alternative itineraries are evaluated during the data processing where intermediate travel stops and alternative city pairings are evaluated to determine the optimum itinerary (see column 2, line 66 to column 3, line 15).

While Ahlstrom does not explicitly teach that travel packages are pre-configured packages based on prior negotiations with travel resource providers, DeLorme teaches that hotel

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chains, state tourism bureaus, and local chambers of commerce could publish travel package embodiments for planning trips, printing maps, discount offers, trip directions and other such information about a limited range of attractions, events or seasonal activities (see column 13, lines 48-67). One skilled in the art would be motivated to offer packaged discounts to appeal and market to recreational travelers that do not require a specific destination (such as to conduct business) but rather are planning a vacation and deciding upon a destination from a variety of locales. In this manner, potential travelers may select from a variety of venues based upon price and travel accommodations. Therefore, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to utilize the package discount feature of DeLorme in the system of Ahlstrom.

Walker teaches a method and apparatus for the sale of flight tickets where the user submits a bid to purchase an unspecified-time ticket for a specific itinerary, and that the traveler is willing to pay \$375 for the ticket (see column 6, lines 45-51). That is, a price-to-beat request is sent to a selected service provider with a value associated with the determined value for the travel itinerary. Further, Walker discloses that the reservation system, after determining that the traveler may be supplied with a ticket conforming to their time and value constraints, prints a ticket for the actual flight with the actual flight number and the departure/arrival times. The

airline then transmits the ticket to the traveler (see column 15, lines 3-17). In this fashion, the traveler receives a response from the service provider with information and a value on a travel itinerary. One skilled in the art would be motivated to employ the bid (price-to-beat) request of Walker in the Ahlstrom system for a variety of reasons. On the supply side, the bid methodology allows travel providers to fill otherwise unoccupied seats on confirmed flights. The bid-winners,

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although perhaps not paying full fare prices for these available seats, nonetheless contribute to the marginal revenue of the travel provider by occupying an otherwise non-revenue-generating seat. On the demand side, travelers with a degree of flexibility in their travel plans may be able to save significantly on the price of their fare. By incorporating the bid system and method of Walker in the system of Ahlstrom, the reservation system may evaluate travel options that would not have been available if alternative itineraries were limited by too low a cost constraint.

Therefore, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to implement the bid system of Walker in the combination of Ahlstrom and DeLorme. As such, claim 11 is rejected.

Claims 22, 33, 34, 39-42 are substantially similar and parallel the limitations found in claim 11 in computer readable medium and system (apparatus) formats and are rejected for similar reasons.

Conclusion

14. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Prior Art of Record

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. United States Patent Number 5,331,546 (Webber et al.) 19 July 1994. A travel planning system is taught that automatically constructs itineraries for traveler's trip requests based on pre-stored standards such as the number of segments and travel times.


Information Regarding Communication With the PTO

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Parisi whose telephone number is 703-308-7808. The examiner can normally be reached on Monday through Thursday from 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-5140.


Joe Parisi
June 28, 2001


TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER